

COMPREHENSIVE EXEMPTION LIST
for the
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER AND LAND DEVELOPMENT
as approved by the
ENVIRONMENTAL QUALITY COMMISSION

September 19, 1984

Pursuant to EIS Regulation 1:33, the following types of actions, where they fall within the given classes of action, shall generally be exempt from requirements regarding preparation of an environmental assessment, negative declaration, or EIS:

Exemption Class #1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

1. Repairs which are necessary to maintain existing structures and facilities used in the irrigation systems at Waimanalo, Oahu; Waimea-Lalamilo, Hawaii; and Molokai. Cutting of trees which are threatening to damage existing structures, facilities and waterways in the irrigation systems. Performing maintenance trimming of brush, removing and depositing sediment and debris in order to open the waterways for irrigation systems.
2. Repairs and improvements which are necessary to maintain in a useful condition the existing access roads and road structures (such as culverts and bridges) to the minimum width required for the operation of vehicles used in the operation and maintenance of irrigation systems.
3. Repairs which are necessary to maintain existing office buildings, control buildings, warehouses, paint sheds, baseyards, grounds, water treatment plants, and other existing facilities used in the existing water systems.
4. Repair, operate and maintain existing pumps and controls, pipes and channels in the same location in order to maintain service in existing water systems. Repair existing electrical and telemetering systems used to operate water facilities, equipment, and appurtenances in existing water systems. Repair existing diversions and intake structures, including

valves, gates, and intake boxes in order to collect or improve the collection at the location of the existing water source diversion works.

5. Repair and maintenance of existing trails and roads leading to data collection stations.
6. Vegetation Clearing from Streams

Work under this exemption would be performed by the Division of Water and Land Development or its contractor on improved and unimproved drainage ditches, swales and streams under the Department of Land and Natural Resources' jurisdiction. Work would involve cutting and removing brush, grass and debris and occasional small trees or bushes to restore channel capacity. The equipment to be used by the contractor or division work crew would include sickles, cane knives, power saw, or tractor with cutting blade attachment. Vegetation and debris would be hauled by truck to an approved sanitary landfill site, or allowed to remain on site where feasible for use as compost.

The herbicide, RODEO, will be applied directly to foliage growing on the banks of stream channels and to emergent foliage growing in fresh and brackish bodies of water. All herbicides will be used under the following conditions:

- a. Label instructions will be strictly adhered to.
- b. Herbicides will not be used in Kahana Stream, Punaluu Stream, or Kaluanui Stream, Koolauloa, Oahu; Wailoa River, Waiakea Fish Pond, Lokoaka Fish Pond and the Wailuku Watershed, Island of Hawaii; and such additional streams or bodies of water as may be identified through consultation with the respective county government, environmental organizations, and the U.S. Fish and Wildlife Service.

Soil disturbance would be minimal, if any, and all work would be confined within the right-of-way.

Exemption Class #2: Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site

and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

1. Replace or reconstruct existing pumps and controls, pipe and channels in the same location and to a size commensurate with the existing system and source capacities to provide service in existing water systems.
2. Replace or reconstruct existing roads and road structures to the minimum width required for the operation of vehicles used in the operation and maintenance of water systems. Roads shall be single-lane with passing turnoffs approximately one mile apart or at the beginning and end of dangerous sections or streams or gully crossings.
3. Replace or reconstruct existing structures, buildings and facilities to the same size and for the same purpose as their existing use in the irrigation systems at Waimanalo, Oahu; Waimea-Lalamilo, Hawaii; and Molokai. Replace or reconstruct existing electrical and telemetering systems to perform the same operational tasks of operating water facilities, equipment and appurtenances in existing water systems.
4. Reconstruction of existing diversions and intake structures, including valves, gates, and intake boxes in order to collect or improve the collection at the location of the existing water source diversion works.

Exemption Class #5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Construction of gaging stations to measure streamflow and flood crest in streams in accordance with the prescribed method and practices of the U.S. Geological Survey. Installation of climatological stations to collect data on climatology, all in accordance with the method and practices of the National Weather Service.
2. Construction of test wells not more than 8 inches in diameter to provide ground truth for water resources investigations, the suggested size will enable the

aquifer to be tested for its physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer. Test wells shall not be developed to serve water unless an EIS or negative declaration is prepared.

Exemption Class #6: Continuing administrative activities, such as purchases for supplies and personnel-related actions.

Requests for federal assistance under Title III of the U.S. Water Resources Planning Act. Grants thus obtained will be used for developing comprehensive water and related land resources plans.

Exemption Class #7: Construction or placement of minor structures accessory to existing facilities.

1. Fencing for water facilities.
2. Minor driveways.
3. Installation of exterior lights in already developed areas for security and safety purposes.
4. Water tanks with less than 10,000 gallon capacity.
5. Roof top water catchments.
6. Lines and water faucets for site use only.

Exemption Class #9: Demolition of structures, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6, Hawaii Revised Statutes.

Construction required to seal artesian wells which have been abandoned or are leaking. This is a positive means of preventing the wastage of ground water supplies.

NOTE: As stipulated by EIS Regulation 1:33(b), all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

ADDITION TO EXEMPTION LIST

for the

Division of Water and Land Development
Department of Land and Natural Resources
as approved by the Environmental Council
September 19, 1984

Pursuant to EIS Regulation 1:33, the following type of action, where it falls within the given class of action, shall generally be exempted from the preparation of an EIS or Negative Declaration.

Exemption Class #1: operations, repairs or
 maintenance of existing
 structures, facilities,
 equipment or topographical
 features, involving
 negligible or no expansion
 or change of use beyond
 that previously existing.

Item: Vegetation Clearing from Streams

Work under this exemption would be performed by the Division of Water and Land Development or its contractor on improved and unimproved drainage ditches, swales and streams under the Department of Land and Natural Resources' jurisdiction. Work would involve cutting and removing brush, grass and debris and occasional small trees or bushes to restore channel capacity. The equipment to be used by the contractor or division work crew would include sickles, cane knives, power saw, or tractor with cutting blade attachment. Vegetation and debris would be hauled by truck to an approved sanitary landfill site, or allowed to remain on site where feasible for use as compost.

The herbicide, RODEO, will be applied directly to foliage growing on the banks of stream channels and to emergent foliage growing in fresh and brackish bodies of water. All herbicides will be used under the following conditions:

1. Label instructions will be strictly adhered to.
2. Herbicides will not be used in Kahana Stream, Punaluu Stream, or Kaluanui Stream, Koolauloa, Oahu; Wailoa River, Waiakea Fish Pond, Lokoaka Fish Pond and the Wailuku Watershed, Island of Hawaii; and such

Exemption List
Page 2

additional streams or bodies of water as may be identified through consultation with the respective county government, environmental organizations, and the U.S. Fish and Wildlife Service.

Soil disturbance would be minimal, if any, and all work would be confined within the right-of-way.

As stated in the EIS Regulation 1:33b, all exemptions under this item are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.